



2013
Annual Report
of the
State Drug Treatment Court
Advisory Committee

Submitted to the

Michigan Legislature and the Michigan Supreme Court

Pursuant to MCL 600.1082, Public Act 224 of 2004.

For the period

January 1, 2013 through December 31, 2013

State of Michigan

The Honorable Amy Ronayne Krause, Chair

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INTRODUCTION

This report of the State Drug Treatment Court Advisory Committee (SDTCAC) activities during the period of January 1, 2013 to December 31, 2013 is submitted in compliance with MCL 600.1082 (Public Act 224 of 2004).

OVERVIEW

MISSION STATEMENT

The mission of the State Drug Treatment Court Advisory Committee is to monitor and advocate for the effectiveness of drug treatment courts in Michigan.

ORIGIN AND SCOPE

Public Act 224 of 2004 created the State Drug Treatment Court Advisory Committee within the Legislative Council. In October 2012, the legislature enacted Public Act 334 of 2012 which added a veterans' treatment court representative. The advisory committee consists of the State Court Administrator, or his or her designee, plus 17 members appointed jointly by the Senate Majority Leader and the Speaker of the House, as follows:

- A circuit court judge who has presided for at least 2 years over a drug treatment court.
- A district court judge who has presided for at least 2 years over a drug treatment court.
- A judge of the family division of circuit court who has presided for at least 2 years over a juvenile drug treatment court program.
- A circuit or district court judge who has presided for at least 2 years over an alcohol treatment court.
- A circuit or district court judge who has presided over a veterans' treatment court.
- A court administrator who has worked for at least 2 years with a drug or alcohol treatment court.
- A prosecuting attorney who has worked for at least 2 years with a drug or alcohol treatment court.
- An individual representing law enforcement in a jurisdiction that has had a drug or alcohol treatment court for at least 2 years.
- An individual representing drug treatment providers who has worked at least 2 years with a drug or alcohol treatment court.
- An individual representing defense attorneys who has worked for at least 2 years with drug or alcohol treatment courts.
- An individual who has successfully completed a drug treatment court program.
- An individual who has successfully completed a juvenile drug treatment court program.
- An individual who is an advocate for the rights of crime victims.
- An individual representing the Michigan Association of Drug Court Professionals.
- An individual who is a probation officer and has worked for at least 2 years for a drug or alcohol treatment court.
- An individual representing a substance abuse coordinating agency.



- An individual representing domestic violence service provider programs that receive funding from the state domestic violence prevention and treatment board.

The SDTCAC members serve without compensation, but may be reimbursed for their actual and necessary expenses incurred in the performance of their duties. Members of the advisory committee serve for terms of 4 years each.

The SDTCAC is charged with the responsibility of monitoring the effectiveness of drug treatment courts and veterans' treatment courts and the availability of funding for them. The Committee is required to present to the Michigan Legislature and the Michigan Supreme Court annual recommendations of proposed statutory changes regarding drug treatment courts and veterans' treatment courts. In addition, statute requires that the Committee meet at least quarterly, or more frequently at the call of the chairperson or if requested by 9 or more members. The business that the advisory committee performs is conducted at a public meeting held in compliance with the Open Meetings Act, 1976 PA 267, MCL 15.261 to 15.275, and any writing prepared, owned, used, in the possession of, or retained by the advisory committee in the performance of an official function is subject to the Freedom of Information Act, 1976 PA 442, MCL 15.231 to 15.246.

2013 COMMITTEE MEMBERS

Dr. Jessica Parks - The state court administrator, or his or her designee. Dr. Jessica Parks, Problem-Solving Courts Manager, was designated as the State Court Administrative Office (SCAO) designee.

Members appointed jointly by the Speaker and the Senate Majority Leader:

Judge Amy Ronayne Krause (*elected Chair on May 28, 2013/served as Vice Chair until May 28, 2013*) - An individual representing domestic violence service provider programs that receive funding from the state domestic violence prevention and treatment board. Judge Ronayne Krause of the 4th District Court of Appeals is currently serving her second term that expires on June 13, 2015. She served as Vice Chair of the Committee until she was elected Chair at the May 28, 2013 Committee meeting.

Judge William Rush (*Chair until May 28, 2013*) - A district court judge who has presided for at least 2 years over a drug treatment court. Judge Rush served as Chair of the SDTCAC until May 28, 2013. Due to his retirement from the bench, he did not seek reappointment and his second term with the Committee expired on June 13, 2013. **Judge Harvey Hoffman** of the 56-A District Court was appointed to fill this position on September 28, 2013. His 4-year term expires on September 18, 2017.

Judge William T. Ervin (*elected Vice Chair on May 28, 2013*) - A judge of the family division of circuit court who has presided for at least 2 years over a juvenile drug treatment court program. Judge Ervin of the Isabella County Probate Court was reappointed to a third term that expires on June 13, 2017. Judge Ervin was elected Vice Chair of the Committee at the May 28, 2013 Committee meeting.

Ms. Stephanie Drury - An individual who is a probation officer and has worked for at least 2 years for a drug or alcohol treatment court. Ms. Drury is with the 6th Circuit Court and is currently serving her second term that expires on August 4, 2015.

Judge Allen Garbrecht - A circuit court judge who has presided for at least 2 years over a drug treatment court. Judge Garbrecht did not seek reappointment due to his retirement from the 37th Circuit Court. His tenure with the Committee ended on June 13, 2013. **Judge Frederick R. Mulhauser** of the 7th Probate District was appointed to fill this position on November 7, 2013. His 4-year term expires on November 6, 2017.



Judge Michael J. Haley - An individual representing the Michigan Association of Drug Court Professionals. Judge Haley of the 86th District Court is currently serving his second term that expires on June 13, 2015.

Ms. Janette Kolodge - An individual who is an advocate for the rights of crime victims. Ms. Kolodge of Lake Angelus was appointed in March of 2011 to fill the remainder of a 4-year term and is currently serving her second term that expires on June 13, 2015.

Mr. Andrew Konwiak - An individual representing drug treatment providers who has worked at least 2 years with a drug or alcohol treatment court. Mr. Konwiak is with the Sacred Heart Rehabilitation Center and is currently serving his third term that expires on July 18, 2016.

Mr. Christopher Luty - An individual representing law enforcement in a jurisdiction that has had a drug or alcohol treatment court for at least 2 years. Mr. Luty is with the Michigan State Troopers Association and was reappointed to a second term that expires July 18, 2016. He tendered his resignation in October 2013. This position is currently vacant.

Judge Brian MacKenzie - A circuit or district court judge who has presided for at least 2 years over an alcohol treatment court. Judge MacKenzie of the 52nd District Court was reappointed to a third term that expires on June 13, 2017.

Mr. Robert Nida - A court administrator who has worked for at least 2 years with a drug or alcohol treatment court. Mr. Nida is the Barry County Trial Court Administrator and is currently serving his first term that expires on September 3, 2016.

Mr. Mark Risk - An individual representing defense attorneys who has worked for at least 2 years with drug or alcohol treatment courts. Mr. Risk of Traverse City is currently serving his first term that expires on September 3, 2016.

Ms. Stacy Salon - An individual who has successfully completed an adult drug treatment court program. Ms. Salon of Traverse City is currently serving her first term that expires on September 3, 2016.

Mr. Jeffrey Sauter - A prosecuting attorney who has worked for at least 2 years with a drug or alcohol treatment court. Mr. Sauter was reappointed to a third term, but he resigned from the Committee in May of 2013 when he was appointed by the Governor to fill a vacant position in the 56th Circuit Court. Eaton County Prosecuting Attorney **Douglas R. Lloyd** was appointed on September 19, 2013 to fill the Committee's vacant prosecuting attorney representative position. His term expires on September 18, 2016.

Judge Raymond P. Voet - A circuit or district court judge who has presided over a veterans' treatment court. This position was added in October 2012 when the legislature enacted Public Act 334 of 2012. Judge Raymond P. Voet of the Ionia County 64-A District Court was appointed to this position on September 19, 2013. His term expires on September 18, 2017.

Mr. Mark A. Witte - An individual representing a substance abuse coordinating agency. Mr. Witte of Network 180 is currently serving his second term that expires June 13, 2015.

VACANT - An individual who has successfully completed a juvenile drug treatment court program. This position is currently vacant.



2013 COMMITTEE MEETINGS

The State Drug Treatment Court Advisory Committee held seven (7) full committee meetings in 2013:

January 22, 2013	September 24, 2013
March 26, 2013	October 22, 2013
May 28, 2013	November 26, 2013
July 23, 2013	

2013 STUDY SUBCOMMITTEES

In 2013, eight (8) subcommittees and two (2) ad hoc committees examined various subjects under review by the State Drug Treatment Court Advisory Committee.

Cross-Assignment Subcommittee

Members: Judge Michael Haley (Chair), Judge Allen Garbrecht, Dr. Jessica Parks, Jeffrey Sauter

This subcommittee was created at the March 28, 2006 meeting to review the cross-assignment of drug treatment court cases across jurisdictions to maximize court funding resources. The 2006 SDTCAC recommendation to allow cross-assignment of drug court cases was included in Public Act 620 of 2006 and went into effect January 3, 2007. The subcommittee continued working with SCAO in 2013 to establish acceptable transfer protocol. In early 2013, a drug court transfer form was developed that could facilitate the cross-assignment of drug court cases.

Defense Attorney Participation Subcommittee

Members: Mark Risk (Chair), Thomas Dutcher, Derwood Haines, Mike Hills, Judge Brian MacKenzie

This subcommittee was created at the January 23, 2007 meeting to examine the defense attorney's role in the drug court process and funding for defense counsel involvement. In 2013, the subcommittee continued to closely monitor the drug court process and did not identify any specific areas that require change or improvement at this time.

Funding Alternatives Subcommittee

Members: Judge Harvey Hoffman (Chair), Dawn Monk

Created in 2007, this subcommittee continued to review funding alternatives for drug treatment courts in Michigan. The impact of the Affordable Care Act as a possible funding source for indigent treatment through the expansion of Medicaid was studied.

Juvenile Issues Subcommittee

Members: Robert Nida (Chair), Judge William Ervin, Jim Inloes, Dr. Jessica Parks, Jennifer Warner

Created at the September 26, 2006 meeting, this subcommittee is charged with reviewing the differences inherent to juvenile drug court and family court. Recruiting membership from several state agencies, the objectives of the subcommittee include examination of the current drug court legislation and how the legislation differs from juvenile court procedures and promotion of juvenile drug courts as unique, adolescent-specific therapeutic jurisprudence interventions. In 2013, a grant was received from the Mental Health Training Curriculum for Juvenile Justice to conduct a train-the-trainer event in September of 2013. Representatives from the subcommittee, the Michigan Association of Drug Court Professionals, the State Court Administrative Office, and the Michigan Judicial Institute collaborated on the event which focused on the interplay between juvenile drug courts and mental health.



Legislative Subcommittee

Members: Judge Harvey Hoffman (Chair), Judge Amy Ronayne Krause, Jeffrey Sauter

This subcommittee was created at the July 23, 2010 Strategic Planning Session to monitor legislative activities. Several drug treatment court issues saw legislative action in 2013. Public Acts 226 and 227 of 2013 amended the Michigan Vehicle Code and the Revised Judicature Act to extend the DWI/sobriety court interlock pilot program for an additional year and, beginning on January 1, 2015, create the DWI/sobriety court interlock program as a continuation of the pilot project. The subcommittee also monitored legislation that established mental health courts in Michigan, Public Acts 274, 275, 276, and 277 of 2013. Support is being sought for House Bill 4891 which would provide for a gradual phase in of a portion of the net alcohol tax to be used to support drug and alcohol treatment.

Medical Marijuana Subcommittee

Members: Jeffrey Sauter (Chair), Judge Harvey Hoffman, Judge Brian MacKenzie

This subcommittee was created at the May 24, 2011 meeting to review issues pertaining to drug court participants and the enactment of the Michigan Medical Marijuana Act. A subcommittee of the subcommittee was appointed in November 2013 to analyze and review the National Association of Drug Court Professionals (NADCP) Position Statement on Marijuana.

Recidivism Subcommittee

Members: Dr. Jessica Parks (Chair)

This subcommittee was created at the May 24, 2011 meeting to monitor recidivism issues and to assist in the development of a standard definition for recidivism. Work on developing a standard recidivism definition concluded in 2012 and the SCAO now defines recidivism broadly and narrowly under two definitions. These recidivism definitions were used in creating SCAO's 2012 and 2013 Annual Report for drug court. The work of the subcommittee has concluded.

Vision Subcommittee

Members: Judge Patrick Bowler (Chair), Judge Harvey Hoffman, Judge Brian MacKenzie, Dr. Jessica Parks, Jeffrey Sauter

Created at the January 22, 2008 meeting, this subcommittee continues to monitor the long range goals of drug treatment courts.

Veterans' Treatment Court Ad Hoc Committee

Members: Judge Brian MacKenzie (Chair)

Created at the May 24, 2011 meeting, this ad hoc committee was instrumental in the enactment of two pieces of legislation in 2012. Public Act 335 of 2012 authorized the establishment of veterans' treatment courts and provided direction for the development of treatment programs for veterans who are substance abusers or mentally ill. Public Act 334 of 2012 added a veterans' treatment court judicial representative to the State Drug Treatment Court Advisory Committee and included veterans' treatment courts under the types of court the SDTCAC is to monitor. Both public acts went into effect on October 16, 2012. The subcommittee continued to provide input and closely monitored Veterans' Treatment Court issues in 2013.

Affordable Healthcare Act Impact Ad Hoc Committee

Members: Mark Witte (Co-Chair), Judge Harvey Hoffman (Co-Chair), Andrew Konwiak, Judge Brian MacKenzie, Dr. Jessica Parks

This ad hoc committee was created at the November 27, 2012 meeting to determine the impact of the Affordable Healthcare Act and its specific application to drug court funding.



By definition, persons who become involved with drug courts struggle with substance abuse problems and, increasingly, mental health needs as well. The Affordable Care Act (ACA) impacts the field of behavioral health by dramatically expanding the number of people who will have access to substance abuse services through an insurance plan (including Medicaid/Healthy Michigan). The ACA also requires that most insurance plans offer mental health and substance abuse coverage. As a result, we can expect that drug court participants will require less direct court funding in order to access the treatment they need. Although the treatment costs borne by the court may be much less than before, the challenge will be in coordinating care—potentially across a larger panel of treatment providers.

If the cost of treatment can be shifted appropriately to a health care funding source, whether it be a commercial plan or Medicaid/Healthy Michigan, then the resources of drug courts can be concentrated on other areas that may increase the capacity (and reach) of the drug court without additional expense. Feedback from the Advisory Committee has been used to inform members who are involved with Michigan's roll-out of the ACA and the Department of Community Health's implementation of expanded Medicaid/Healthy Michigan.

ISSUES REVIEWED AND RECOMMENDATIONS

IGNITION INTERLOCK PILOT PROGRAM EXTENSION LEGISLATION

The SDTCAC continued to monitor the ignition interlock pilot project designed to allow a person whose driver's license is suspended or revoked/denied for multiple convictions of operating a vehicle while intoxicated to receive a restricted license if certain conditions are met, including the installation of an ignition interlock device on each vehicle the driver owns or operates. Legislation was introduced to extend the three-year DWI/sobriety court interlock pilot project for an additional year and, beginning on January 1, 2015, to create the DWI/sobriety court interlock program as a continuation of the pilot project. Early indicators show a high compliance rate among program participants and the Michigan Association of Drug Court Professionals reported that program participants had lower drug and alcohol use than nonparticipants and also had a lower recidivism rate than for other criminal offenses. The bills became Public Acts 226 and 227 of 2013. Discussions are ongoing between the Michigan Secretary of State and representatives of the ignition interlock companies as to oversight of the operations of the ignition interlock companies under the Michigan DWI/Sobriety Court Ignition Interlock Program. It is anticipated that statutory amendments will be submitted to the legislature prior to the end of the legislative session. Discussions are ongoing with the Michigan Association of Drug Court Professionals and the Michigan Secretary of State with the goal of improving the operations of the Michigan DWI/Sobriety Court Ignition Interlock Program. Most improvements will be handled through regulatory change and participant education. Any legislative changes should be minimal and will likely be included in the bills being advanced by the Michigan Secretary of State and the ignition interlock companies as discussed above.

DRUG TREATMENT COURT PARTICIPANT TRANSFER PROCEDURES

Public Act 620 of 2006 revised the drug treatment court statute to allow the cross-assignment of drug court cases; however, questions pertaining to the case management, funding, and reporting requirements of such cross-assignments remained. Review of drug treatment court participant transfer procedures and work by the Committee to help draft a model order for transferring drug court participants continued in 2013. Significant progress was made in early 2013 and a final recommendation for a drug court participant transfer protocol was developed and approved. No issues or concerns with the new procedures have been expressed since the protocol was implemented.



MENTAL HEALTH COURTS

The establishment of mental health courts in Michigan was realized in 2013 with the enactment of Public Acts 274, 275, 276, and 277 of 2013. The SDTCAC closely monitored the progress of the legislation as it moved through the legislative process and, in September 2013, issued an advisory opinion to the members of the Michigan Legislature.

ADVISORY OPINION State Drug Treatment Court Advisory Committee

Being duly constituted within the Legislative Council pursuant to MCLA 300.1082, and in discharge of its statutory function, the State Drug Treatment Court Advisory Committee does hereby advise the Legislature as follows:

Whereas, legislation is currently pending in the Michigan Senate relating to the authorization and establishment of a system of Mental Health Courts, and

Whereas, House Bill 4694 as passed by the House restricts admission into Mental Health Courts to individuals found to have a serious mental disturbance or serious mental illness,

It is the opinion of the State Drug Treatment Court Advisory Committee that such a restriction, while well intended, is inappropriate.

Throughout the existence of Michigan's various problem solving courts, the only restriction placed upon admission into said programs is to bar the most violent offenders.

One of the major factors leading to the success of the various problem solving courts is that the local team determines who should be allowed into the local program taking into account local needs, local resources, victim's concerns, and the needs of the potential program participant. It is certainly the belief of this Committee that any individuals who are convicted of domestic violence with an intimate partner, and who are diagnosed with a co-occurring mental health disorder, would be enrolled in a batterer's intervention program as well as mental health counseling.

The proposed restriction for entry into the Mental Health Courts is clearly contrary to this well established problem solving court precedent.

It is understood that persons seeking funding through the Department of Community Health will need to be found to be severely and persistently mentally ill, as required by that department's regulations. This is a very high standard, and the problem solving courts in this state frequently find individuals who have significant mental illness, who are barred from funding under this regulation.

However, many people who are moderately mentally ill have significant issues and can be greatly helped by being allowed to participate in these programs. Those who are not dependent on funding through the Department of Community Health (through self-pay, family support, insurance, or funding through the Affordable Care Act) should have the opportunity to petition the local Mental Health Court Team, for admission into the program.

By placing such an artificial and undue restriction of participation in our State's Mental Health Courts, significant numbers of mentally ill persons will go untreated and the potential number of participants in these programs will be restricted.

Now, therefore, be it resolved that the State Drug Treatment Court Advisory Committee does hereby recommend that the Legislature allow the local Mental Health Court Teams to consider for placement in their programs individuals who are diagnosed with having a mental disorder, co-occurring disorder, or a developmental disability, regardless of severity.

